

Appendix E

Public Comments and MDOT Responses on the SWMP

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Storm Water Management Plan Public Comment Status

The following public comments were received concerning the MDOT Storm Water Management Plan. The plan was out for public review and comment from November 23, 2004 to December 24, 2004.

<u>Commenter Name and Contact Person</u>	<u>Date of Comment Receipt</u>	<u>Date MDOT Response was Sent</u>
Northwest Michigan Council of Governments / Megan Olds	December 13, 2004	April 1, 2005
Michigan Department of Natural Resources / Scott Hanshue	December 21, 2004	April 1, 2005
Huron Pines Resource Conservation & Development Area Council, Inc. / Brad Jensen	December 22, 2004	April 1, 2005
Michigan Department of Environmental Quality / Dave Drullinger	January 6, 2005	January 21, 2005

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From: JUDY A. RUSZKOWSKI [RUSZKOWSKIJ@michigan.gov]

Sent: Friday, January 21, 2005 9:48 AM

To: David Drullinger; Mark Fife

Cc: anne.thomas@ttmps.com; dan.christian@ttmps.com; kathleen.herrmann@ttmps.com

Subject: MDOT SWMP status

Dave and Mark,

Just wanted to thank you again for pulling together all of the MDEQ staff comments on our draft SWMP. We are making revisions to the draft plan as appropriate to provide additional information and clarification to address the preliminary comments prior to formal submittal on April 1, 2005.

Judy A. Ruszkowski, P.E.

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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

RECEIVED

JAN 11 2005

TETRA TECH MPS
BY _____

January 6, 2005

Ms. Judy Ruszkowski
Storm Water Program Manager
Michigan Department of Transportation
P.O. Box 30049
Lansing, Michigan 48909

Dear Ms. Ruszkowski:

Re: MDOT Draft Statewide Storm Water Management Plan (SWMP) Review

Thank you for giving the Michigan Department of Environmental Quality (MDEQ) the opportunity to review and comment on the Michigan Department of Transportation's (MDOT) draft SWMP.

The MDEQ has a few general comments to address issues that are common throughout the draft SWMP. Then the remaining comments address specific portions of the document.

General Comments:

Measurable goals are currently lacking for most activities. The permit requires approvable descriptions of measurable goals for each BMP. Therefore, the SWMP is not approvable as written. In several of the following specific comments, the MDEQ has suggested measurable goals for the MDOT to consider for the final SWMP.

The activities in Chapter 3 have headings for measurable goals, but interim milestones are generally listed under those headings. For clarification, the MDEQ requests that each activity have separate headings for "Interim Milestones" and "Measurable Goals."

The SWMP does not include the actual procedures, policies, and specifications that the MDOT will use to control storm water pollutants. According to the SWMP, these are maintained in a variety of MDOT manuals and guidance documents, or will be developed as updates to those manuals and guidance documents. The MDEQ staff will need to review these materials in order to assess the MDOT's storm water management program. To facilitate this effort, the MDEQ requests that the MDOT incorporate relevant policies, procedures, and specifications into one document to supplement the SWMP.

Specific Comments

Page 1-3, Section 1.3:

The MDOT is identified as the sole operator of its municipal separate storm sewer systems (MS4). As sole operator, the MDOT is also the sole permittee and is responsible for permit compliance in its MS4, whether the work is done by the MDOT, a county road commission, or another contractor. Accordingly, the MDOT will need to track the implementation of storm water controls and the effectiveness of those controls, regardless of the entity that performs the functions. This comment applies to several of the MDOT's proposed activities.

Page 1-4, Section 1.4:

Who at the MDOT should the MDEQ district staff contact on permit implementation and compliance issues? Will Lansing MDOT staff need to be copied on matters communicated to the Regions?

Page 1-5, Section 1.5:

The MDOT states that it will refer local and state agencies to conduct investigations and inspections outside of its right-of-way. The MDEQ accepts that position the MDOT agrees to take the initial steps to provide written notice to all improper/illicit dischargers to their MS4, informing them that they must cease discharging and/or remove illicit connections. If the initial notification is not effective, written notification shall be escalated by the MDOT until such point that it is evident that the written notices alone will not result in elimination of the discharge and/or connection. The MDEQ asks that the MDOT's escalated notices (i.e., second or third notices) state that the MDEQ (or another authorized agency) will be called upon to take enforcement action against a non-compliant discharger. The MDEQ asks to be copied on the escalated notices that reference its authority.

The MDEQ requests that the MDOT provide details of a procedure for notification, and describe the situations in which it would call upon the MDEQ for assistance.

Page 1-6, Section 1.6:

There is no indication that the reference materials cited include guidance for fertilizer and pesticide use and storage, vehicle maintenance, and handling of concrete slurries from hydrodemolition, diamond grinding, cutting, or drilling. These are important storm water issues, and the MDEQ needs information about how they are controlled.

As stated earlier, in order for the MDEQ to determine the procedures, policies, specifications, and rules that direct much of the MDOT's SWMP implementation, it is necessary to search through the MDOT's many reference documents. The MDEQ again requests that the MDOT compile the relevant portions of its reference materials into a single document, and reference the relevant portions of that document in the SWMP.

Page 1-7, Section 1.7.2:

In addition to the notification identified in the SWMP, the permit also requires that notification include the nature of the pollutants, and clean-up and recovery actions taken or planned.

The MDEQ requests that notification during office hours be made to a live person rather than an answering machine. The SWMP should specify that the caller will try different numbers at the MDEQ district office (or press 0) until they receive a live response.

Page 2-1, Section 2.1:

The SWMP must include more than a "framework for establishing interim milestones and measurable goals." As stated in the general comments above, the MDOT does not generally include measurable goals in the SWMP, which means there is no clear target that the MDOT is aiming to achieve in the first five years of the storm water program. The permit clearly establishes that such goals are to be identified in the SWMP, not by year five of the permit term as the MDOT proposes.

It is not the intent of the permit that final measurable goals be established after the implementation of the program. Throughout the individual activities listed in Section 3, the MDOT states that "information does not currently exist to formulate final measurable goals."

Please provide a description of the type of information that the MDOT feels it needs to formulate final measurable goals.

Page 2-1, Section 2.2.1:

The MDOT states that structural controls may remove pollutants from runoff or limit the rate of runoff. The MDEQ believes the following purposes should also be identified for structural controls: preventing contact between runoff and pollutants (using diversion dikes, berms, roofs/covers, slope downdrains, etc.), and stabilizing pollutants (using things like riprap and mulch blankets). Most of these are currently on your list of approved BMPs in Appendix C.

Page 2-2, Road Maintenance Documentation and Tracking Workgroup:

The MDOT's tracking of road maintenance activities should include not only MDOT's own activities, but also contracted activities performed by road commissions and other contractors.

The SWMP needs a measurable goal and an assessment of contracted road maintenance activities to determine that they are accomplishing some level of water quality benefit. This could include inspection of work done by road commissions and other contractors.

Page 2-4, Section 2.5 and 2.5.1:

The last sentence of Section 2.5 states that five outcome levels are discussed. However, the first level, *Numerical Tracking*, describes tracking of the MDOT's outputs and not its outcomes. The DEQ requests assurance that the MDOT recognizes the difference between outputs and outcomes, and that measurable goals always involve the reporting of outcomes.

Page 2-4, Section 2.5.3:

Describe why three years are necessary to evaluate the methods to document the long-term effectiveness of pollutant reduction BMPs. What type of data is expected? Please give examples.

Page 2-4, Section 2.5.4:

Where are the procedures the MDOT will use to compile and report changes in discharge quality?

Page 3-15, Section 3.3.5:

Reference to Chapter 2 appears to be a typo. Should it say Chapter 1?

Comments on Table 3-1

Table 3-1 (Chapter 3) is arranged in order of the permit requirements. The DEQ's comments are arranged in the same order. The Activities listed in Chapter 3 are also commented on here, in the order that they appear on the table, not in the order that they appear later in the Chapter.

Storm Water Management Program – Minimum Measures

Part I.B., Paragraph 2, and Activity C-5:

The first bullet under "Measurable Goals" mentions a procedure to be developed. Development of the procedure should be spelled out in the objective.

Under the second bullet, the MDOT proposes to report information on the number of projects that comply with TMDLs. The report should also provide details on the location of the projects, location of TMDL waters, and how the MDOT complied with the TMDLs.

In this activity and several others, the MDOT proposes to develop procedures. The MDEQ believes that the intent of the federal storm water regulations is to have storm water control procedures developed and submitted with the SWMP for approval by the permitting agency. Where the MDOT proposes to develop procedures following SWMP submittal, the MDEQ believes it should have the opportunity to review these procedures. Technically they are part of the SWMP.

Part I.B., Paragraph 3, and Activity T-4:

The MDOT will need a way to demonstrate that a representative cross section of staff is surveyed. How will representatives be selected? The MDEQ recommends surveying a cross section of all MDOT employees that will receive storm water training. The MDEQ also recommends that a measurable goal be established for the results, such as a 20 percent increase in storm water pollution awareness. If surveys demonstrate that the goal is not met, it is an indication that more training is needed or that the training needs to be made more effective.

Interim milestones should identify how many staff are trained and the percentage of those surveyed.

The MDEQ recommends that the MDOT make submission of a completed survey a requirement for employees to show that they have completed training.

Part I.B., Paragraph 3, and Activity C-2:

Part I.B., Paragraph 3 refers to watershed planning but Activity C-2 as submitted focuses on SWMPs only. SWMPs are associated with jurisdictional permits, which do not involve watershed planning. The MDEQ recommends that the MDOT use generic terminology, such as "MPOs having storm water quality control programs," to include agencies with both watershed- and jurisdiction-based permits.

The objective mentions construction and maintenance activities only, but it should also include post-construction and planning. Post construction and planning are probably the most important issues to coordinate with MPOs.

No 3 on the activity table should have a date scheduled. The MDEQ requests that the MDOT establish a date to review the coordination process, and update as necessary.

Public Education Program

Part I.B.1.a.2) and Activity T-1:

The target audience should include maintenance garage staff and contract agencies.

The SWMP indicates that contract agencies will get modules, but no active training is proposed. The permit requires the MDOT to instruct the job-related public. The proposed passive approach to training will only qualify as instruction if there is a measurable goal and an assessment to demonstrate that the program is effective.

The MDOT staff who are trained should also be surveyed to determine the effectiveness of the training. As a recommendation: If submission of a training survey were mandated in order to complete training, and completed training were made a mandatory requirement for employee performance appraisals, then assessment would be a built-in feature of training.

Action item #2 should be completed sooner than 2009 in order to assure that the correct people are trained and the program is evaluated before the end of the permit term.

Action item #3 should include a start date.

The MDEQ requests action item #6 establish a date to review the training modules, then update as necessary.

Part I.B.1.a.3) and Activity E-1:

This activity needs to identify a link between the library and training, i.e., what would stimulate employees to check out and use information?

List or identify the materials at the LIC to help demonstrate that they meet the listed permit requirements.

The activity lacks a method to determine if the materials are effective for training or are being put to use.

Action No. 1: The schedule should say "Quarterly" rather than "As needed."

Action No. 2: The schedule should say "Update as needed."

Part I.B.1.a.3) and Activity E-2:

Education requires a frequently-repeated message to be effective. Therefore, articles for the job-related public should be distributed more than once a year in Regional newsletters in order to be effective. Quarterly is more necessary to cover the many topics that need to be addressed, and to identify to the audience that the issues are important. Publish articles to the maximum extent practicable.

Are contractors included in this job-related public? Do articles go to all staff? If so, this activity could be a good method to educate contractors as well as employees about maintenance-related storm water issues under Part I.B.6. of the Permit, such as street and catch basin cleaning, BMP maintenance, vehicle maintenance, and deicer news/facts.

How does the MDOT propose to assess the effectiveness or readership of the articles?

The MDEQ recommends that the MDOT develop a storm water-focused program for the MDOT Today broadcast. It could also be taped and used for training.

Part I.B.1.a.3) and Activity E-3:

Some of the MDEQ staff found the storm water web page hard to find from the MDOT homepage. They request that access be made easier.

The website fails to address specific public education needs from Part I.B.1.b.1-4 of the permit, such as preferred car cleaning agents and residential de-icer information.

The MDEQ recommends that the MDOT track imbedded hits in deeper levels of the storm water web page. Comparing these deeper hits with the hits to the storm water homepage could help the MDOT determine the percentage of users that are seeking more specific information.

The MDEQ suggests that the MDOT consider incentives or fun learning activities that will stimulate use of the web site by the traveling public. We also suggest that the MDOT use the

website to make available good watershed stewardship materials from other sources, including materials from local and regional watershed plans and initiatives.

Part I.B.1.b. (all) and Activity E-6:

The MDOT should include the beginning sentence of permit requirement I.B.1.b. in Table 3-1, and develop a program to meet the permit requirement. The sentence says: Educate the general public within urbanized areas about water quality protection and storm water as a pollution source. The MDEQ is concerned that the MDOT has interpreted the permit to mean that active general public education is optional if the MDEQ does not develop a statewide public education program. That would not be a correct interpretation, as clarified by the first sentence of the requirement. Also, please note that the MDEQ has developed a statewide public education program, and has implemented the workshop portion of that program.

The SWMP needs to describe an active approach to educate the general public, even if a partnership with the MDEQ for a mass-media campaign is not feasible. A decision by the MDOT is necessary (and should be included in the final SWMP) to allow for program implementation in the absence of the MDEQ's implementation of the mass media portion of its statewide storm water education campaign. The MDOT's implementation is expected to begin by April 1, 2006.

An MDOT website (Activity E-3) is the primary method the MDOT uses to educate the traveling public. This is a passive information approach and not active education. Because of its passive nature, a website alone is not expected to provide effective education except to a relatively small fraction of the traveling audience. The MDOT will need appropriate assessment and measurable goals to demonstrate that its website is an effective educational tool.

Part I.B.1.c. and Activity E-4:

Describe the process to follow up on tap-in/discharge permits to assure proper installation has occurred. The materials to be distributed should identify what an illicit connection and discharge are, should provide a number to report them, and should provide a contact number for questions. The contact(s) may need training.

Public Involvement/Participation

Part I.B.2.a. and Activity E-5:

The activity does not identify a process for public review of the final SWMP.

The MDEQ requests that the MDOT track and report the number of people who comment, and the number of comments received.

Illicit Discharge Elimination Program

Part I.B.3.a. and Activity I-1:

The permit requirement makes a distinction between "known outfalls" and "all outfalls at stream crossings." "Known outfalls" would include both stream crossing outfalls and outfalls that discharge at points other than stream crossings. At stream crossings, the permit requires mapping of all outfalls, which would include outfalls that may not yet be known or confirmed. In the SWMP, Action No. 2 calls for mapping of outfalls at stream crossings based on GIS analysis. Is this method appropriate to identify all outfalls at stream crossings? The early completion date for this activity suggests that it is only for outfalls that are already known today. If it does not address all outfalls (including some that may not yet be known), then it does not meet the permit requirement.

There is also no action item for mapping of known outfalls in urbanized areas that are not at stream crossings.

An appropriate measurable goal for this would be to provide the maps according to an established schedule, even if the draft schedule needs to be changed in response to the comments above.

Part I.B.3.a. and Activity I-5:

The title is a bit misleading since the subject is not the mapping of known outfalls but rather the procedure to map known outfalls.

An appropriate measurable goal would be to fully implement the mapping procedure starting in August 2007.

Part I.B.3.b. and Activity I-2:

The schedule in the table at I-2 should refer to Table 3-2 and not 3-1.

The MDEQ recommends that the Table 3-2 header on the right use the phrase "Number of MDOT Road Intersections with" rather than "Number of Roads Intersecting with." The former allows for multiple intersections on one road, which is appropriate. The latter would suggest only one intersection per road.

The MDEQ recommends that milestones include percentages as well as numbers completed. For example, the total number of illicit connections/discharges identified could also be expressed as a percentage of the total outfalls screened. The MDEQ also recommends tracking the estimated amount and type of pollutants removed. This would be a valuable reporting requirement.

A good measurable goal would be the elimination of X% of illicit discharges from the MS4 each year or by the end of the permit term. Failure to meet the goal could be justified if the MDOT showed that it made a good faith effort but was hampered by unforeseen issues.

The MDOT has verbally committed to provide the MDEQ with updates of the areas selected for dry weather screening each month. The MDEQ thinks this is a very good approach, but that commitment should be documented in the activity.

Part I.B.3.c. and Activity I-3:

The MDEQ would like annual reporting on the percentage of illicit discharges that have been eliminated following identification, and how many of them needed to be escalated to the MDEQ for enforcement.

The permit requires the MDOT to have a system in place to accept and respond to illicit discharge reports. Since program implementation is to begin within one year after submittal of the SWMP, this system should be in place by April 1, 2006. Action No. 1 on the activity has a Dec 1, 2005 schedule for establishing a procedure. Is this the same as having a system in place and operational? If not, then the SWMP also needs a schedule for having the system operational. Meeting the date for operation of the system could be identified as a measurable goal.

Action No's 2 and 3: Does "ongoing" and "as needed" mean that these have already begun? If not, a start date is needed.

Part I.B.3.d.(4) and Activity I-4:

The MDOT should list the penalties provided in 14.01 of the construction manual in order to demonstrate its ability to enforce the permits they issue.

Post Construction Storm Water Management for New Development and Redevelopment

Part I.B.4.:

The activities (C-1, C-2, C-3, C-5, and C-6) developed to meet this minimum measure need clarification/confirmation that they will address storm water quantity in addition to quality. The permit requires the prevention or minimization of resource impairment that would result from extreme flow rate or volume. If quantity issues are already addressed in the Drainage Manual or other procedural manuals, please make the appropriate portions of those manuals available to the MDEQ.

Part I.B.4.a and Activity C-2:

The title of Activity C-2 suggests that there is only one SWMP per MPO. Please note that each city, village, and township member of an MPO will have their own SWMP if they are covered under the jurisdictional MS4 permit.

The objective of this activity should focus on post construction, not construction and maintenance. Although the permit language requires the MDOT to make construction and maintenance plans available to the local planning agencies, the purpose is to allow the planning agencies to review the MDOT's plans for proposed installation and maintenance of post-construction storm water controls.

Action No. 1: MPO members that have storm water permits have already submitted their SWMPs. Also, watershed permit holders in the Rouge River and Kalamazoo watersheds have already developed their watershed management plans (WMPs) and storm water pollution prevention initiatives (SWPPIs). Because of these early submittals, the MDEQ believes that the MDOT can begin the process to review plans submitted by MPO members by April 1, 2005, or sooner. Review of plans submitted by the MPO members could be accomplished while the MDOT is waiting for the MDEQ to complete the review of its final SWMP submitted on April 1, 2005.

Action No. 2: The schedule could be moved up as per Action No. 1 above.

Part I.B.4.b(1) and Activity C-3:

The activity addresses permit requirement I.B.4.b(2) (operation and maintenance of BMPs); therefore, the objective should specify that the procedure is for selecting, applying, and maintaining post-construction BMPs. It should also specify that the BMPs will cover both water quality and water quantity control.

If the deadline for the measurable goal is Dec 31, 2005, please state that in the goal.

The MDEQ requests to review the draft procedure that the MDOT develops.

Part I.B.4.b(1) and Activity C-6:

Add the number of staff trained as a milestone.

Action No. 4: Will existing BMPs be replaced as needed or does this just refer to BMPs installed during new construction? This action item needs a starting date. If this is already being implemented, please clarify.

Actions No. 5 & 6: Is there a method to track the installation and maintenance of BMPs?

Part I.B.4.b.2) and Activity C-1:

Measurable Goals don't include a milestone for maintenance of existing BMPs. The permit requirements address all storm water BMPs, new and existing.

The MDEQ requests review of the BMP maintenance requirements that the MDOT develops.

Part I.B.4.c and Activity C-8:

Provide the MDEQ with the pertinent sections of the Drainage Manual or, at a minimum, provide the MDEQ with references to the pertinent sections.

Part I.B.4.c and Activity C-11:

The activity description states that: "Existing flow control structures will be examined whenever possible." The SWMP needs a description of the conditions under which existing flow control BMPs will be assessed for pollution control. What would make reviews possible (i.e., what are the selection/prioritization criteria)? Are existing flow controls being examined now? If not, the MDOT needs to propose a schedule to begin these examinations.

Part I.B.4.c and Activity C-4:

The MDEQ and the MDOT have met a number of times to discuss the coordination of the MDEQ's input on selected projects. The timeframe of August 1, 2007, seems excessively long, given the amount of discussion that has already occurred. What might the MDOT do to shorten this timeframe?

Construction Storm Water Runoff Control

Part I.B.5.a.1) and Activity T-3:

The activity should identify Parts I.B.5.a(1), (2), (3), and (4) as applicable permit requirements.

Part I.B.5.a.1) and Activity C-7:

The MDEQ requests an opportunity to review the QA/QC Protocol.

Part I.B.5.a.2-4):

Benefits to the MDOT's SESC program as a result of changes to the QA/QC Protocol under Activity C-7, and updates to the Drainage Manual under Activity C-8, will be key considerations by the MDEQ for continued approval of the MDOT's minimum measure for Construction Storm Water Runoff.

I.B.5.b.1) and Activity I-3:

Action No. 1: Unless the information is already provided elsewhere, this procedure should identify details for notifying the MDEQ. If it is provided elsewhere, please identify where.

Numbers 1, 2, and 3 need to specify procedures/training to take corrective action for SESC problems at MDOT construction sites, as stated in Permit Requirement I.B.5.b(2).

Pollution Prevention/Good Housekeeping for MDOT Operations

I.B.6. and Activity C-9:

The objective for this activity must apply to all of the MDOT's MS4s, whether the MDOT does its own maintenance or work is contracted to county road commissions, etc. Contractors should also be identified as an affected party.

The objective addresses construction of storage facilities, but routine operation also needs to be addressed. The staff of the MDEQ have identified problems at road salt storage facilities where truck loading results in spillage outside the storage facility. Good housekeeping can minimize pollution from such spillage.

The first interim milestone states "document method of development and implementation"..... of what?

Please clarify or define the term "maximum calculated amount" as used in the fourth interim milestone. Does this refer to calculated salt usage on a per-storm basis, or annually? If actual salt usage is much different than the calculated amount, how can the MDOT demonstrate that the reason is because of process and/or equipment improvements vs. mild weather conditions?

Under "Permit Requirement: Part I.B.6." the sentence should read: "Ensure MDOT employees and contractors maintain and follow proper pollution prevention controls."

The activity needs a strategy and schedule to review the proposed tracking methods with road commissions and other contractors, and to provide tracking guidance to the same.

This activity includes considerable potential for the MDOT to document what it does, but the SWMP generally lacks specifications or details to guide the MDOT's operations now or in the future. It does not describe procedures for the proper disposal of wastes [Part I.B.6.a(1)], procedures to minimize pollution from road salt/sand and road resurfacing operations [Part I.B.6.b(1)], good housekeeping standards at salt storage facilities (Part I.B.6(1)), or frequency of catch basin cleaning and street cleaning [Part I.B.6.b(2)]. If adequate policies and procedures are already developed to comply with the permit, please provide the documentation.

Although minimum measure #6 specifically addresses the MDOT's roadways, the MDEQ needs to know if the MDOT operates MS4s in conjunction with any railroads. If so, these should be discussed and, if necessary, addressed in future permit cycles.

Part I.B.6.a.1) and Activity C-12:

The MDEQ recognizes the use of the title "Pollution Incident Prevention Plan (PIPP)" to refer to a specific plan for spill prevention developed under the MDEQ's Part 5 Rules. A PIPP is required for any facility that stores oil, salt, or other polluting materials above certain minimum quantities. Some of the MDOT's facilities that perform vehicle maintenance may require PIPPs, but not all vehicle maintenance facilities need PIPPs. If a facility does not have a PIPP, the MDOT will need a separate plan for vehicle maintenance. For facilities that have PIPPs, the

MDOT may include vehicle maintenance procedures and policies in the PIPP, but the MDEQ recommends instead that the MDOT develop a separate document for vehicle maintenance at all facilities. PIPPs were not intended to address pollutants that may be released during vehicle maintenance, fueling, or washing; or released during vehicle use (e.g., hydraulic leaks and oil leaks). All of these issues must be addressed in the MDOT's vehicle maintenance policies and procedures, and made available for the MDEQ's review.

Action No. 1 states that the PIPP will be audited every three years. When is the next audit?

Part I.B.6.c and Activity C-10:

In an e-mail dated December 3, 2004, the MDOT requested that the MDEQ extend the deadline to begin labeling new outfall structures. Activity C-10 should be updated to reflect the date the MDOT proposes to begin outfall labeling.

In response to the MDOT's December 3rd e-mail, the MDEQ requested that the MDOT's April 1, 2006, annual report include a listing (with location and size) of the new outfall structures installed between April 1, 2005, and the implementation of outfall labeling. This action should be identified in the SWMP.

Some of the actions items are written in past tense, as if already completed, but the schedule dates indicate that they are future activities. Please clarify.

Part I.B.6.d and Activity C-11:

The MDEQ requests that the MDOT track the number of new flow control structures constructed with water quality enhancements, and the number of existing structures retrofitted for water quality control.

Part I.B.6.f and Activity T-2:

Would it be possible for a MDEQ employee to sit in on the MDOT's fertilizer and pesticide certification training? If so, can we get a schedule for the training?

Region-Specific Activities:

Other than the region-specific maps, there is little information about unique activities being carried out at the regions. In the 2004 IDEP field manual, the MDOT proposed a region-specific process to notify the appropriate MDEQ district offices of the schedules for IDEP investigations each month. That region-specific information is very helpful. The MDEQ requests that the region-specific sections identify that schedule notification procedure. Also, the MDEQ recommends a similar approach for other minimum measures. For example, specifics of the street cleaning and catch basin cleaning programs will vary on a regional, county, or even local government scale. Reporting on these regional/county/local specifics would be helpful to district staff as they review the local needs for pollution control.

For each region, the SWMP outlines the order in which individual activities are followed for a road project. Since the MDEQ has requested several changes to the activities in Chapter 3, the MDOT will need to update the activities in Chapters 4-10 as necessary to incorporate changes made in Chapter 3. For example, the MDEQ requested that Activity C-1 address maintenance of existing BMPs in addition to the new BMPs that the MDOT proposed to maintain. Item #4 on pages 4-2, 5-2, 6-2, etc. should be updated to address existing BMP maintenance as applicable.

The tables with contact information on pages 4-4, 5-4, 6-4, etc., list the various rest stops in each region, but do not provide a contact for those rest stops. Could the MDOT identify an appropriate individual or region-wide contact for rest stops?

Appendices:

Similar to the 2004 IDEP Work Plan, the MDEQ found the SWMP appendices difficult to follow because the appendices attached to the IDEP Protocol Manual (Appendix F) have imbedded numbers (letters) that are the same as, and get confused with, the other appendices. The MDEQ recommends that the MDOT label the appendices to the IDEP Protocol Manual differently (e.g., F-1, F-2, F-3, etc.), and/or provide tabs on colored pages to separate the SWMP appendices. The MDEQ prefers the tabs, but realizes that those will not help on an electronic version.

IDEP Protocol Manual:

The following items need to be addressed in the IDEP Protocol Manual:

1. Illicit connections that have been identified but remain connected shall be identified in the annual report.
2. A follow-up procedure is needed to confirm that an illicit discharge has been eliminated and that dry weather screening no longer demonstrates illicit discharges.
3. If there is a potential for seepage from sanitary sewers or failing onsite septic systems at rest areas, a procedure is needed to address that.
4. The MDEQ recommends that the Manual include a definition of "point source discharge." Also, Part I.C.2.a. of the permit requires that the MDOT notify the MDEQ within 24 hours when NPDES-regulated dischargers are depositing materials into the MDOT's MS4 that could endanger health or the environment. The MDEQ recommends that the protocol manual provide a definition of a "Significant Illicit Discharge," which would be one that could endanger health or the environment and would require notice to the MDEQ within 24 hours.

Again, thank you for the opportunity to comment on the draft SWMP. This draft SWMP provides an excellent guide for future dialogue between the MDOT and the MDEQ. If there are questions about these comments, please contact me.

Sincerely,



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cc: ✓ Mr. Daniel Christian, P.E., TTGPS
Mr. Seth Phillips, Planning, MDOT
Mr. Mark Fife, MDEQ
Mr. Keith Noble, Saginaw Bay District Office, MDEQ
Ms. Patricia Huddas, Southeast Michigan District Office, MDEQ
Ms. Chris Bauer, Kalamazoo District Office, MDEQ
Ms. Janelle Hohm, Kalamazoo District Office, MDEQ
Ms. Rachel Mathews, Jackson District Office, MDEQ
Ms. Cheryl Bartley, Lansing District Office, MDEQ
Mr. Ryan Grant, Grand Rapids District Office, MDEQ
Ms. Diane Hornbrook, Grand Rapids District Office, MDEQ



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

April 1, 2005

Mr. Scott Hanshue, Fisheries Management Biologist
Michigan Department of Natural Resources
Southern Lake Michigan Management Unit
Plainwell DNR Office
621 North 10th Street
Plainwell, Michigan 49080

Dear Mr. Hanshue:

Thank you for providing comments to the Michigan Department of Transportation (MDOT) regarding its Storm Water Management Plan (SWMP). We are considering all comments received during the public comment period for inclusion in the SWMP. We will submit our SWMP to the Michigan Department of Environmental Quality (MDEQ) on April 1, 2005, and then make it available at <http://www.michigan.gov/stormwatermgt>.

With regard to comments from the Michigan Department of Natural Resources, MDOT recognizes the importance of including best management practices for all projects discharging storm water to waters of the state. We are developing procedures to ensure review of each project for best management practices inclusion during the early phases. Projects discharging to 305(b)-listed waters or other sensitive waters will be considered for early review with the MDEQ or other regulatory agencies, as appropriate.

In addition, you requested a copy of Chapter 9 of MDOT's *Drainage Manual*. A copy of the *Drainage Manual* is available for download at the website listed above under the "Features" heading. It is not feasible for us to include copies of the referenced MDOT documents within the SWMP, but we are making an effort to describe its procedures in more detail and to cite specific sections of the referenced materials in the SWMP, where applicable.

We appreciate the comments received from the Michigan Department of Natural Resources and welcome you to review the final SWMP once submitted.

Sincerely,

Judy Ruszkowski, P.E.
Storm Water Program Manager

From: Scott Hanshue [hanshusk@michigan.gov]
Sent: Tuesday, December 21, 2004 1:58 PM
To: Jessica Mistak
Cc: Chris Freiburger; Sharon Hanshue; Jay Wesley
Subject: MDOT Storm Water Management Plan

Jessica:

I have reviewed the draft storm water management plan. The document is essentially a "blue print" for demonstrating compliance with the provisions of the NPDES Permit issued to MDOT on January 21, 2004.

The NPDES Permit (Appendix A) is very comprehensive and includes:

Part I.B.3 Illicit Discharge Elimination Program, including mapping and monitoring of all outfalls within the MDOT ROW.

Part I.B.4 Post Construction storm water management provisions on new and redevelopment projects that will disturb areas > 1 acre or projects <1 acre if they are part of a larger project. These requirements address post construction water quality and quantity (volume and rate!).

Part I.B.5 Construction storm water runoff on all projects that will disturb areas > 1 acre or projects <1 acre if they are part of a larger project. This includes consideration of potential water quality impacts during plan reviews and assuring BMPs and SESC measures are in place.

The permit also includes public information/education and public involvement/participation components.

The draft storm water management plan addresses the components of the permit with proposed actions such as programs "to be developed" or by referencing many in-house documents not at our disposal. A complete review of the storm water control program would require knowledge of the materials contained in the referenced support documents and the I&E materials to be developed. As such I have only a couple of comments:

On the positive side:

-Non-attaining water bodies (305b waters) are targeted as priority watersheds. This means additional monitoring/storm water BMPs should be implemented in these areas.

-It appears the Illicit Discharge Monitoring Program will be targeting the appropriate group of chemicals

in a logical fashion.

-Once completed the outfall mapping program will provide additional information that Fish Division can access and use in the development of future river management plans.

-The plan appears to have a strong watershed I&E component and should reach an audience MDNR does not generally target.

Negative side:

-Non-attaining water bodies (305b waters) are targeted as priority watersheds. This means additional monitoring/storm water BMPs should be implemented in these areas. I listed this twice because of the continuing philosophical battle between preservation and restoration ("save the best, fix the rest"). Effective BMPs should be required for all discharges on all waters, regardless of status.

-One of the MDOT approved structural BMPs listed in Appendix C is stream relocation. I recommend we obtain a copy of Chapter 9 of the MDOT Drainage Manual and get some additional detail. This could be a potential discussion topic along with natural channel design for the transportation work group that Jay Wesley and Chris Freiburger are meeting with.

Hope this helps. Any questions let me know.

Happy Holidays.

Scott Hanshue
Fisheries Management Biologist
Southern Lake Michigan Management Unit
hanshusk@michigan.gov
tx: 269-685-6851 ext. 118
fax: 269-685-1362



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

April 1, 2005

Mr. Brad Jensen, Executive Director
Huron Pines Resource Conservation and
Development Area Council, Inc.
501 Norway Street
Grayling, Michigan 49738

Dear Mr. Jensen:

Thank you for providing comments to the Michigan Department of Transportation (MDOT) regarding its Storm Water Management Plan (SWMP). We are considering all comments received during the public comment period for inclusion in the SWMP. We will submit our SWMP to the Michigan Department of Environmental Quality (MDEQ) on April 1, 2005, and then make it available at <http://www.michigan.gov/stormwatermgt>.

With regard to comments from the Huron Pines Resource Conservation and Development Area Council, MDOT recognizes the importance of protecting sensitive, groundwater-driven streams, as well as coldwater fisheries and designated natural rivers of the state. Currently, MDOT meets with the Michigan Department of Natural Resources during the early coordination phase for projects involving coldwater fisheries and designated natural rivers. We are developing Context Sensitive Solutions initiatives, which we anticipate will include a means for early stakeholder and watershed council input in projects involving sensitive areas. As part of the SWMP, the Early Coordination Workgroup, and the Best Management Practice and Maintenance Workgroup will focus on developing and enhancing MDOT procedures to address projects that discharge storm water to sensitive areas. We encourage your group to continue to work closely with local MDEQ Water Bureau representatives in order to facilitate input during the MDOT/MDEQ early coordination process.

We agree with you that hydrologic flow fluctuation and temperature are pollutants of concern, and we added language suggesting this to the SWMP. MDOT does consider these pollutants when designing post-construction Best Management Practices.

We appreciate the comments received from the Huron Pines Resource Conservation and Development Area Council and welcome you to review the final SWMP once submitted.

Sincerely,

Judy Ruszkowski, P.E.
Storm Water Program Manager

Huron Pines

Resource Conservation & Development Area Council, Inc.

501 Norway St. Grayling, Michigan 49738 Phone: (989) 348-9319 or (989) 344-0753 Fax: (989) 348-7945
Website: www.huronpines.org Email: info@huronpines.org



December 22, 2004

Judy Ruszkowski, P.E.
Stormwater Program Manager
Michigan Department of Transportation
Construction and Technology Building
PO Box 30049
Lansing, MI 48909

Dear Ms. Ruszkowski,

Thank you for requesting comments on the Michigan Department of Transportation's proposed Stormwater Management Plan (SWMP) from Huron Pines Resource Conservation and Development (RC&D) Area Council Inc., an MDOT Environmental Stewardship Partner. The SWMP for Permit #MI0057364 addresses pollution control related to highway planning, design, construction, and maintenance activities. While all four of these MDOT project areas negatively impact the state of Michigan's surface waters, it is primarily the design category that I wish to address on behalf of Huron Pines RC&D. Specifically, I'm convinced that the design of post-construction stormwater Best Management Practices (BMPs) for new development and redevelopment projects is the single most important issue with regard to MDOT's impact on the sensitive surface waters in Northern Michigan and presents the single greatest area of opportunity for improvement.

Within the proposed SWMP presented by MDOT, much is made of special design considerations for stormwater discharges to water bodies with a promulgated Total Maximum Daily Load (TMDL), but unfortunately no special considerations appear to have been made for sensitive, groundwater-driven streams. Huron Pines RC&D believes that this apparent oversight is detrimental to maintaining the high water quality found in the region. Without MDOT design engineers taking into account context sensitive design and their agency's responsibility to not add sediment, thermal pollution or change the flow regime of coldwater streams, these streams will suffer needlessly. Furthermore, it will be less expensive in the long run for MDOT to preserve water quality than it will be to restore it. Simply put, the direct discharge of stormwater runoff from MDOT projects into surface waters of designated coldwater streams will, over time, degrade the resource and lead to impaired cold water fisheries. This has the potential to devastate Michigan's tourist industry, a major component of the economy and a reason the roads are needed. Whenever possible, polluted stormwater runoff should not simply be moved as quickly as possible directly from the road to a coldwater stream, but rather, BMPs should be used to reduce runoff, handle it close to its source and filter it where necessary.

As the author of the SWMP correctly notes on page 1.6, waters of the state are protected for certain designated uses as set forth in Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. As stated in the administrative rules, all surface water bodies must, at a minimum, meet water quality standards for eight designated uses. Huron Pines RC&D works with our partners throughout Northeast Michigan on a variety of watershed management and restoration projects which often involve the application of Best Management Practices near streams that are considered high-quality, coldwater systems. These streams are dependent upon replenishment from clear, cold, filtered groundwater and are very susceptible to polluted stormwater runoff. Because they are so sensitive, sediment, thermal pollution and fluctuating flows have a severe impact on these groundwater-driven streams.

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All programs and services of RC&D are available without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status.

Fortunately, the designated uses mentioned above also include a ninth category for designated coldwater streams where applicable; that is, a requirement that ensures protection of the coldwater fishery. Because of the region's soils, Northern Michigan is famous for coldwater streams. Of the designated uses listed in the rules, it appears to me that protection of the coldwater fishery is the highest standard for the Michigan Department of Transportation to meet and one that has received little attention in recent years. However, MDOT must recognize this designated use and preserve our high-quality, coldwater streams, applying appropriate BMPs as applicable.

The DEQ Stormwater Management Permit for MDOT requires compliance with what is referred to as the "Six Minimum Measures" (Appendix A of the SWMP). Measure 4.b highlights the importance of protecting receiving water quality from the impacts of development. One specific BMP that, according to the rules, shall be used is under number one of that section; that is, *buffer preservation along sensitive water bodies*. While sensitive water bodies are given special mention in the Minimum Measures, the proposed SWMP fails to mention them altogether. The high-quality, coldwater streams of Northern Michigan are sensitive systems and require special design considerations when planning and constructing transportation facilities near them.

In addition to MDOT's responsibility for maintaining water quality standards that sustain water quality levels to meet the designated use of coldwater fishery, please be advised that many of the streams in Northern Michigan are "high-quality" waters. Under the antidegradation requirements of the Clean Water Act, the state has a legal responsibility to maintain and protect high-quality waters. Many Northern Michigan streams exceed water quality standards and may seem to have assimilative capacity for the pollutants generated by MDOT. However, the law requires that projects are designed to ensure not just that these waterbodies meet the minimum standard, but that water quality is not degraded (in contrast to the current approach of degrading them slowly over time). For high-quality waters, MDOT must go much farther in their efforts to select systems of BMPs that protect water quality in these high-quality systems than they would otherwise do. Proposed projects and recommended BMPs must go through a greater degree of scrutiny and Huron Pines RC&D expects that to be the practice by MDOT for future development and re-development projects in these high-quality watersheds.

In Section 2.3 of the SWMP, the author notes the creation of an internal MDOT workgroup for complying with their state permit. I believe the internal workgroup for "BMP Design and Maintenance" holds great promise for ensuring that appropriate BMPs are selected that will help protect water quality and am pleased to learn of the group's existence. According to the SWMP, a major part of the workgroup's charge is to give special review to projects where stormwater discharges are made to TMDL waterbodies. Unfortunately, there does not appear to be similar instructions made to the workgroup for review of BMPs for sensitive, groundwater-driven streams. This would seem like the place in the SWMP for MDOT to make clear their commitment to meeting the designated use of protection of the coldwater fishery and thus be in compliance with the Natural Resources and Environmental Protection Act. Review of the proposed design of post-construction BMPs by this workgroup could build in the internal control that MDOT so sorely needs to be effective in reducing their stormwater pollution. Huron Pines would be happy to assist this workgroup, if this would help implement this goal.

In Section 3.2, describing the Public Education, Outreach and Participation program which MDOT is required to conduct, Activity E-6 is to "determine partnership potential with MDEQ Statewide Public Education Program." The milestone listed for this activity is that "MDOT will decide whether or not to participate in the statewide program." I urge you to participate with MDEQ in this program, rather than develop your own. It will help present a consistent message to the public and save resources; I also doubt MDOT's capacity to produce a better stormwater education program than the one that the state environmental agency has already developed. In addition to modifying this proposed activity, I think the milestone could be a bit more ambitious than simply making a decision whether or not to participate.

In Section 3.4, the opening paragraph notes that “post-construction water quality impacts from transportation may include sedimentation and/or pollutant loading.” In Northern Michigan, in addition to sediment, two of our primary nonpoint pollutants of concern are hydrologic flow fluctuation and temperature; both are greatly increased by post-construction stormwater runoff from transportation facilities. The Michigan Department of Environmental Quality recognizes both of these as typical Nonpoint source pollutants impacting Michigan waters (see *Developing a Watershed Management Plan for Water Quality*, Appendix B, 2000). To be less ambiguous in your SWMP, please be sure to specifically note these as pollutants of concern.

Activity C-4 in Section 3.4 calls for MDEQ review of preliminary construction plans and for MDEQ to provide input on placement of drainage and BMPs. This sounds like an important step, but the process might be further improved by meeting with MDEQ water quality staff in advance of the preliminary design stage, in order for the transportation and environmental departments to be working together before the project really gets underway. In any event, the key point here is that MDEQ input is carefully considered and worked into the construction plans.

Activity C-5 in Section 3.4 specifically states that special review will be given to projects in TMDL water bodies. Once again, I think this is important, but urge you to stay in compliance with the Natural Resources and Environmental Protection Act and give the same level of scrutiny to projects in designated coldwater, high-quality systems, as they also deserve the extra level of review.

A recent example of where MDOT could have done a more effective job would be the 2003 expansion of M-72 West in Grayling. The curb and gutter system of handling the polluted runoff directed it to an approximately 300 foot long ditch that discharged directly to the Au Sable River. A visual inspection of this site indicates a plume of sediment from the new direct discharge, along with excessive algae growth at the site. Both are a direct result of MDOT-generated stormwater runoff. No buffer or other BMPs were used to handle the runoff and the ditch serves only as a conduit to the river, not as a treatment system for the stormwater runoff. Many of the environmental stewardship partners which Huron Pines RC&D works with have expressed a strong interest in seeing MDOT improve their handling of their stormwater at this site.

One of the lessons to learn from this project is how to do better in the future. Incorporating BMPs into the project that prevent the discharge of pollutants directly to the Au Sable would not have added very much cost to the overall project and would have helped meet MDOT’s responsibility for following the antidegradation standard of the Clean Water Act while protecting the state-recognized designated use of coldwater fishery. By involving MDOT’s own environmental staff in the project and giving this project more scrutiny from its inception, I suspect a better design could have been developed. It is inconceivable to me that the design engineer for the project, and the staff involved with its review, did not recognize the Au Sable River as a high-quality stream and realize the need to prevent the direct discharge of stormwater runoff to the greatest extent practical. Sharing the concept for the project early on, with MDEQ staff and local watershed interests, could have helped ensure a better project for this high-quality river.

To be effective in properly managing stormwater throughout the state, MDOT will need to create and implement more stringent BMP protocol for high-quality waters. I would recommend an internal workgroup specifically to address this issue. In addition to on-site, pre-design meetings with MDEQ, I also suggest you involve the local watershed council by sharing the project concept early on. The local watershed council can often provide the best information to MDOT planners on the type of stream being impacted by the transportation project, provide water quality data, and help MDOT meet requirement with the public input process.

Once again, thank you for considering the comments of Huron Pines RC&D on your proposed SWMP. We urge you to make a much stronger effort within the Department to use context sensitive design when developing projects intended for Northern Michigan and its high-quality, coldwater streams and would appreciate hearing of your efforts to move in this direction.

Sincerely,

Brad Jensen
Executive Director

cc: Region 5 Administrator, US EPA
 Bob Andrus, Au Sable River Watershed Restoration Committee
 William Creal, Chief, Surface Water Permits Section, DEQ Water Division



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

April 1, 2005

Ms. Megan Olds, Regional Planning Program Coordinator
Northwest Michigan Council of Governments
P.O. Box 506
Traverse City, Michigan 49685

Dear Ms. Olds:

Thank you for providing comments to the Michigan Department of Transportation (MDOT) regarding its Storm Water Management Plan (SWMP). We are considering all comments received during the public comment period for inclusion in the SWMP. We will submit our SWMP to the Michigan Department of Environmental Quality on April 1, 2005, and then make it available at <http://www.michigan.gov/stormwatermgt>.

With regard to comments from the Northwest Michigan Council of Governments, MDOT recognizes the importance of coordinating with local agencies during early phases of projects discharging storm water to sensitive areas. To address this, we are developing Context Sensitive Solutions initiatives, which we anticipate will include a means for early stakeholder and watershed council input in projects involving sensitive areas. As part of the SWMP, the Early Coordination Workgroup, and the Best Management Practice and Maintenance Workgroup will focus on developing and enhancing MDOT procedures to address projects that discharge storm water to sensitive areas. Currently, MDOT meets with the Michigan Department of Natural Resources during the early coordination phase for projects involving coldwater fisheries and designated natural rivers.

In addition, you inquired as to the make-up of MDOT's Environmental Committee, the body approving statewide guidance on environmental issues, actions and related matters. The Environmental Committee has representatives from applicable MDOT areas, such as the Environmental Section, Policy, and Specifications. There are ten members making up the committee.

We appreciate the comments received from the Northwest Michigan Council of Governments and welcome you to review the final SWMP once submitted.

Sincerely,

Judy Ruszkowski, P.E.
Storm Water Program Manager

From: DoNotReply@michigan.gov

Sent: Monday, December 13, 2004 1:32 PM

To: ruszkowskij@michigan.gov

Subject: Stormwater Management Comments (ContentID - 105558)

Comments: Comments from the Northwest Michigan Council of Governments:

The overall plan looked good with just a couple comments:

1.2.3 Post Construction Storm Water Management for New Development and Redevelopment Projects - will there be coordination with counties, rural areas, small cities along with MPOs?

1.4 MDOT Staff Responsibilities for Storm Water Management - who makes up the MDOT Environmental Committee?

As a Regional Planning Agency, we would like to encourage MDOT to work with us on any activities in the 10 county region of Emmet, Charlevoix, Antrim, Kalkaska, Grand Traverse, Leelanau, Benzie, Manistee, Wexford, Missaukee to get the information/education out to the elected officials and the public.